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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Doeberitz Von Knebel, *et al.*

Appl. No. 10/650,057

Filed: August 26, 2003

For: METHOD FOR DETECTING
CARCINOMAS IN A SOLUBILIZED
CERVICAL BODY SAMPLE

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Atty. Docket: 05033.0002.CPUS02

Confirmation No. Not Yet Assigned

Information Disclosure Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted

to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120.

1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed;
 - ☐ a. Within three months of the U.S. filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ b. Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - c. Before the mailing date of a first Office Action on the merits;
 - ☐ d. Before the mailing of a first Office Action after filing of a request for continued examination under § 1.115.

No statement under 37 C.F.R. § 1.97(e) or fee is required.

- ☐ 2. This Information Disclosure Statement is being filed after the period specified in paragraph 1(a)-1(d) above, but before the mailing date of a Final Rejection or Notice of Allowance, or action that otherwise closes prosecution in the application, and
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2), or
 - ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but

on or before payment of the Issue Fee. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i), and

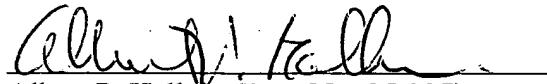
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 05033.0002.CPUS02.

Respectfully submitted,

Date: January 7, 2004

A handwritten signature in dark ink, appearing to read "Albert P. Hallum", written over a horizontal line.

Albert P. Hallum (Reg. No. 25,227)

Viola T. Kung (Reg. No. 41,131)

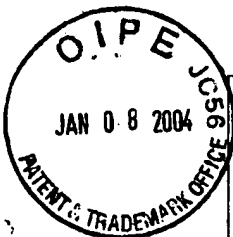
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LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

PTO FORM 1449

ATTY. DOCKET NO.

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APPLICANT

Von Knebel Doeberitz, *et al.*

FILING DATE

August 26, 2003

GROUP

Not Assigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	2001/0039023	11.08.01	Schubert, Walter			
	2.	2002/0086288	07.04.02	Bird, <i>et al.</i>			
	3.						
	4.						

FOREIGN PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	5.	EP 0 723 156	06.12.95	Europe				
	6.	WO 99/04238	14.07.98	PCT				
	7.	EP 1 217 377	05.12.01	Europe				

OTHER REFERENCES

(Including Author, Title, Date, Pertinent Pages, Etc.)

	8.	Geradts, <i>et al.</i> , "Immunohistochemical Detection of the Cyclin-dependent Kinase Inhibitor 2/Multiple Tumor Suppressor Gene 1 (CDKN2/MTS1) Product p16 ^{INK4A} in Archival Human Solid Tumors: Correlation with Retinoblastoma Protein Expression", <i>Cancer Research</i> 55: 6006-11 (1995)
	9.	Hirama, <i>et al.</i> , "p16 (CDKN2/Cylin-dependent Kinase+ inhibitor/Multiple Tumor Suppressor-1) Gene Is Not Altered in Uterine Cervical Carcinomas or Cell Lines", <i>Modern Pathology</i> , 9(1) 26-31 (1996)
	10.	Kelley, <i>et al.</i> , "CDKN2 in HPV-Positive and HPV-Negative Cervical-Carcinoma Cell Lines", <i>Int. J. Cancer</i> , 63: 226-30 (1995)
	11.	Kim, <i>et al.</i> , "Absence of p15 ^{INK4B} and p16 ^{INK4A} Gene Alterations in Primary Cervical Carcinoma Tissues and Cell Lines with Human Papillomavirus Infection", <i>Gynecologic Oncology</i> , 70: 75-9 (1998)
	12.	Kim, <i>et al.</i> , "Underexpression of Cyclin-Dependent Kinase (CDK) Inhibitors in Cervical Carcinoma", <i>Gynecologic Oncology</i> , 71: 38-45 (1998)
	13.	Klaes, <i>et al.</i> , "Overexpression of p16 ^{INK4A} as a Specific Marker for Dysplastic and Neoplastic Epithelial Cells of the Cervix Uteri", <i>Int. J. Cancer</i> , 92: 276-284 (2001)
	14.	Milde-Langosch, <i>et al.</i> , "P16/MTS1 and pRB expression in endometrial carcinomas", <i>Virchows Arch</i> , 434: 23-8 (1999)
	15.	Milde-Langosch, <i>et al.</i> , "p16/MTS1 Inactivation in Ovarian Carcinomas: High Frequency of Reduced

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

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		Protein expression Associated with Hyper-Methylation or Mutation in Endometroid and Mucinous Tumors", <i>Int. J. Cancer</i> , 79: 61-5 (1998)
16.		Nuovo, <i>et al.</i> , "In situ detection of the hypermethylation-induced inactivation of the <i>p16</i> gene as a early event in oncogenesis", <i>PNAS</i> , 96(22): 12754-9 (1999)
17.		Sano, <i>et al.</i> , "Expression Status of <i>p16</i> Protein Is Associated with Human Papillomavirus Oncogenic Potential in Cervical and Genital Lesions", <i>American Journal of Pathology</i> , 153(6): 1741-8 (1998)
18.		Sano, <i>et al.</i> , "Immunohistochemical overexpression of <i>p16</i> protein associated with intact retinoblastoma protein expression in cervical cancer and cervical intraepithelial neoplasia", <i>Pathology International</i> , 48: 580-5 (1998)
19.		Serrano, <i>et al.</i> , "A new regulatory motif in cell-cycle control causing specific inhibition of cyclin D/CDK4", <i>Nature</i> , 366: 704-7 (1993)
20.		Shigemasa, <i>et al.</i> , " <i>p16</i> Overexpression: A Potential Early Indicator of Transformation in Ovarian Carcinoma", <i>J. Soc. Gynecol Invest.</i> , 4(2): 95-102 (1997)
21.		Shim, <i>et al.</i> , "Profiling of Differentially Expressed Genes in Human Primary Cervical Cancer by Complementary DNA Expression Array", <i>Clinical Cancer Research</i> , 4: 3045-50 (1998)
22.		Tam, <i>et al.</i> , "Differential Expression and Cell Cycle Regulation of the Cyclin-dependent Kinase 4 Inhibitor <i>p16</i> ^{INK4a} ", <i>Cancer Research</i> , 54: 1816-20 (1994)
23.		Wong, <i>et al.</i> , "Methylation of <i>p16</i> ^{INK4A} in primary gynecologic malignancy", <i>Cancer Letters</i> , 136: 231-5 (1999)
24.		Wong, <i>et al.</i> , " <i>p16</i> ^{INK4} and <i>p15</i> ^{INK4B} Alterations in Primary Gynecologic Malignancy", <i>Gynecologic Oncology</i> 65: 319-24 (1997)

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